



Judicial Pensions Act 1981

1981 CHAPTER 20

PART III

SUPPLEMENTAL

[^{F1}29A Transfer of accrued benefits.

Schedule 1A shall have effect with respect to the transfer of accrued rights into and out of the judicial pension schemes constituted by this Act and the Sheriffs' Pensions (Scotland) Act 1961.]

Textual Amendments

F1 S. 29A inserted (1.1.1992) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), [s. 125\(3\) Sch. 18 para. 31](#); [S.I. 1991/2730](#), [art. 2](#), Sch.

VALID FROM 01/12/2000

[^{F2}29B Pension credits: restriction on payments

- (1) The appropriate Minister shall have no power to accept, for the benefit of a member of a judicial pension scheme constituted under or by virtue of this Act—
 - (a) a payment under paragraph 1(3) of Schedule 5 to the Welfare Reform and Pensions Act 1999,
 - (b) a payment under section 95 of the Pension Schemes Act 1993 ^{F3}, or
 - (c) any other payment,to the extent that that payment directly or indirectly represents a pension credit.
- (2) In this section “the appropriate Minister” means—
 - (a) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State; or

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Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions Act 1981, Part III. (See end of Document for details)

(b) subject to paragraph (a), the Lord Chancellor.]

Textual Amendments

- F2** S. 29B inserted (1.12.2000) by S.I. 2000/2985, reg. 2
F3 1993 c. 48.

30 Saving for Pensions (Increase) Act.

This Act is without prejudice to the operation of the ^{M1}Pensions (Increase) Act 1971.

Marginal Citations

- M1** 1971 c. 56.

31 Payments charged on Consolidated Fund.

There shall be charged on, and paid out of, the Consolidated Fund—

- (a) any pension under Chapter I of Part I, or section 5 or 7, of this Act, and
- (b) any lump sum, or widow's [^{F4}widower's] or children's pension, under Part II of this Act conditional on eligibility for a pension payable out of the Consolidated Fund.

Textual Amendments

- F4** Word inserted (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(3), Sch. 18 para. 30(b); S.I. 1991/2730, art. 2, Sch.

32 Other financial provisions.

(1) Subsection (2) below applies where—

- (a) the rate of a pension payable to a person under section 12 or 13 above is or would be increased in respect of service in a capacity prescribed under section 12(5) or 13(4)(b) as the case may be, and
- (b) a pension payable wholly in respect of service in that prescribed capacity would be paid and borne otherwise than out of money provided by Parliament.

(2) Any pension benefits paid to or in respect of that person as having been the holder of an office mentioned in section 12(1) or 13(1) above shall, to such extent as [^{F5}the Treasury] may determine, having regard to the relative length of service and rate of remuneration in that office and in the prescribed capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in the prescribed capacity would have been paid or borne.

(3) In this section—

- (a) “pension” includes any superannuation or other retiring allowance or gratuity,
- (b) “pension benefits” includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person's service or

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employment to other persons by way of widow's [^{F6}widower's] or orphan's pension or otherwise.

Textual Amendments

- F5** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(4)(a)
F6 Word inserted (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(3), Sch. 18 para. 30(c); S.I. 1991/2730, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 32 excluded (E.W.S.) (1.7.1992) by Social Security Administration Act 1992 (c. 5), ss. 41, 43, 50-52, 192(4), Sch. 2 para. 1(6)
S. 32 excluded (E.W.S) (at different dates for specified purposes) by 1998 c. 14, s. 14(12), Sch. 4 para. 4(2); S.I. 1999/1958, art. 2, Sch. 1 (as amended by S.I. 1999/3178, art. 3(20), Sch. 20); S.I. 1999/2422, art. 2, Sch. 1 (subject to transitional provisions in Sch. 14)(as amended by S.I. 1999/3178, art. 3(20), Sch. 20); S.I. 1999/2739, art. 2, Sch. 1 (subject to transitional provisions in Sch. 2); S.I. 1999/2860, art. 2, Sch. 1 (subject to transitional provisions in Schs. 16-18) (as amended by S.I. 1999/3178, art. 3(20), Sch. 20); S.I. 1999/3178, art. 2, Sch. 1 (subject to transitional provisions in Schs. 21-23)

[^{F7}32A Appeals.

- (1) If any person to whom this section applies is aggrieved by any decision taken by the administrators of a relevant pension scheme concerning—
 - (a) the interpretation of the rules of the scheme, or
 - (b) the exercise of any discretion under the scheme,he shall have a right of appeal to the appropriate Minister against that decision.
- (2) On deciding an appeal under this section, the appropriate Minister may give to the administrators such directions as he considers necessary or expedient for implementing his decision.
- (3) The persons to whom this section applies are the following—
 - (a) any member of the scheme;
 - (b) the widow or widower, or any surviving dependant, of a deceased member of the scheme;
 - (c) where the decision relates to the question—
 - (i) whether a person who claims to be such a person as is mentioned in paragraph (a) or (b) above is such a person, or
 - (ii) whether a person who claims to be entitled to become a member of the scheme is so entitled,the person so claiming.
- (4) Regulations may make provision as to the manner in which, and time within which, appeals under this section are to be brought.
- (5) The administrators shall be entitled to appear and be heard on any appeal under this section.
- (6) In this section—

“the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme;

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“the appropriate Minister” means—

- (a) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State; or
- (b) subject to paragraph (a) above, the Lord Chancellor;

“member”, in relation to a pension scheme, means a person whose service in an office is, was or is to be subject to the scheme;

“regulations” means regulations made by the appropriate Minister;

“relevant pension scheme” means any pension scheme constituted under or by virtue of this Act;

“rules”, in relation to a relevant pension scheme, means the provisions of this Act, and of any regulations or orders made under this Act, so far as relating to that scheme.]

Textual Amendments

F7 S. 32A inserted (31.3.1995) by 1993 c. 8, s. 24, **Sch. 3 Pt. I para. 2(2)**; S.I. 1995/631, **art. 2**

33 Interpretation.

In this Act, unless the context otherwise requires—

^{F8}

“stipendiary magistrate” in England and Wales includes a metropolitan stipendiary magistrate.

Textual Amendments

F8 Definition repealed by **Courts and Legal Services Act 1990** (c. 41, SIF 76:1), ss. 118(8), 125(7), **Sch. 20**

[^{F9}33A Voluntary contributions.

(1) Regulations shall make provision

- ^{F10}(a) [entitling any member of a judicial pension scheme constituted by this Act or the Sheriffs’ Pensions (Scotland) Act 1961 to make voluntary contributions towards the cost of the provision of additional benefits [^{F11}whether under the scheme or otherwise; or
- (b) imposing conditions with respect to the exercise by any such person of any entitlement (whether or not under paragraph (a) above) which he may have to make any such voluntary contributions.]

[The regulations may make provision for the purpose of imposing, in a case where a ^{F12}(1A) member makes voluntary contributions, upper limits with respect to—

- (a) the aggregate value of the aggregable benefits which may be paid to or in respect of any such member; and
- (b) the amount which any such member may pay by way of such contributions;

and, without prejudice to the generality of paragraph (b) above, the regulations may, in particular, impose such an upper limit on the amount which a member may pay by way of voluntary contributions as will, so far as reasonably practicable, secure that the

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aggregate value referred to in paragraph (a) above will not exceed the limit prescribed under that paragraph.

(1B) The regulations may—

- (a) prescribe the manner in which aggregable benefits are to be valued for the purpose of any such aggregation as is mentioned in subsection (1A) above;
- (b) confer on the administrators of a judicial pension scheme power to require a member who is making, or who wishes to make, voluntary contributions to provide such information as they may require concerning any retained benefits of his;
- (c) permit the disclosure by those administrators of any information which they may obtain concerning any such retained benefits—
 - (i) to, or to any officers of, the Commissioners of Inland Revenue; or
 - (ii) to, or to any servants or agents of, any authorised provider who is, or may be, concerned in the investment of the voluntary contributions or the provision of the additional benefits in question.]

(2) The regulations—

- (a) may not prohibit the payment of voluntary contributions;
- (b) may not impose any limit on the amount which any member may pay by way of voluntary contributions other than [^{F13}either or both of the following, that is to say—
 - (i) such upper limit as may be imposed by virtue of subsection (1A)(b) above; or
 - (ii)] an upper limit corresponding to that for the time being fixed by or under section 594 of the Income and Corporation Taxes Act ^{M2}1988 (exempt statutory schemes);
- (c) must secure that any voluntary contributions paid by a member of a scheme are used to provide prescribed additional benefits for or in respect of him; and
- (d) must secure that the value of such additional benefits is reasonable, having regard to—
 - (i) the amount paid by way of voluntary contributions;
 - (ii) the value of the other benefits provided under the scheme; and
 - (iii) the general value of benefits available to a person under any contract of life insurance entered into by him with an insurance company to which Part II of the Insurance Companies Act ^{M3}1982 (regulation of insurance companies carrying on insurance business within the United Kingdom) applies.

[^{F14}but paragraphs (c) and (d) above have effect only in relation to a voluntary contributions scheme constituted by or under this Act or the Sheriffs' Pensions (Scotland) Act 1961.]

(3) The regulations may, in particular—

- (a) provide that the value of additional benefits offered on payment of voluntary contributions shall be determined in accordance with prescribed rules based on tables prepared for the purposes of the regulations by the Government Actuary; ^{F15} . . .
- (b) prescribe the manner in which it is to be determined in any case whether the amount of a person's contributions exceeds any [^{F16}such limit as is mentioned in] subsection (2)(b) above.

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- [provide for any administrative expenses incurred by any person by virtue of this section to be defrayed out of sums received by way of voluntary contributions;
- (d) provide for the manner in which voluntary contributions are to be made;
- (e) make provision for, and in connection with, the valuation of a person's accrued rights—
- (i) under any occupational or personal pension scheme, which are to be transferred into a voluntary contributions scheme, or
- (ii) under any voluntary contributions scheme, which on termination of his membership of that scheme may fall to be transferred into another scheme;
- (f) prescribe the additional benefits which are to be available under a voluntary contributions scheme and the rates and times at which those benefits are to be payable;
- (g) make provision for and in connection with the making of elections between different benefits available under voluntary contributions schemes;
- (h) provide for the terms on which a person may terminate his membership of a voluntary contributions scheme;
- (j) provide for the terms on which surplus funds may be refunded to a person who has made payments by way of voluntary contributions to a voluntary contributions scheme;
- (k) specify any authorised providers—
- (i) who are to invest any prescribed voluntary contributions, or
- (ii) who are to provide any prescribed additional benefits,
- and, if two or more authorised providers are so specified, may make provision entitling any person who makes prescribed payments by way of voluntary contributions to elect between those authorised providers.]

^{F18}(4)

[The regulations may provide for such additional benefits arising under or by virtue of this section as may be prescribed—

- (a) to be charged on, and paid out of, the Consolidated Fund; or
- (b) to be paid out of money provided by Parliament.]

(5) Regulations made under this section may make provision for consequential and incidental matters, including, in particular, consequential provision with respect to any enactment referring or relating to lump sums payable under Part II of this Act.

[The regulations may make different provision for different classes or descriptions of voluntary contributions scheme.]

- (6) Regulations under this section may be made—
- (a) by the Lord Chancellor; or
- (b) in relation to pensions for service in offices existing only in Scotland, by the Secretary of State,

with the consent of the Treasury.

(7) The power to make regulations under this section shall be exercisable by statutory instrument.

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(8) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[In this section—

^{F21}(9) “administrators”, in relation to any scheme, means the persons entrusted with the administration of that scheme;

“aggregable benefits” means—

(a) any pensions or other benefits under a judicial pension scheme, other than such additional benefits as are mentioned in subsection (1) above;

(b) such additional benefits so mentioned as may be prescribed; and

(c) such retained benefits as may be prescribed;

“authorised provider”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means a person who is authorised under Chapter III of Part I of the Financial Services Act 1986 to invest those sums or, as the case may be, to provide that benefit;

“employment” has the same meaning as it has in the [^{F22}Pension Schemes Act 1993] (and accordingly includes employment as a self-employed earner, within the meaning of that Act);

“judicial pension scheme” has the meaning given by section 14A(2) above;

“member” means member of a judicial pension scheme;

“occupational pension scheme” has the meaning given by [^{F23}section 1 of the Pension Schemes Act 1993] or, in relation to Northern Ireland, [^{F24}section 1 of the Pension Schemes (Northern Ireland) Act 1993];

“personal pension scheme” has the meaning given by [^{F25}section 1 of the Pension Schemes Act 1993] or, in relation to Northern Ireland, [^{F26}section 1 of the Pension Schemes (Northern Ireland) Act 1993];

“prescribed” means specified in, or determined in accordance with, the regulations;

“relevant benefits” has the meaning given by section 612(1) of the Income and Corporation Taxes Act 1988;

“retained benefits”, in the case of any person, means any rights retained by him to relevant benefits under any occupational or personal pension scheme which has, or which may be expected to qualify for, tax-exemption or tax-approval, being rights which accrued during some previous employment;

“surplus funds”, in relation to a person and any voluntary contributions scheme, means any funds which are, or have been, held for the purposes of that voluntary contributions scheme and which fall to be returned to him in consequence of any such limit as is mentioned in subsection (2)(b) above;

“tax-exemption” and “tax-approval” have the meaning given by [^{F27}section 181(1) of the Pension Schemes Act 1993];

“voluntary contributions”, in relation to any member of a judicial pension scheme, means voluntary contributions towards the provision of additional benefits, whether under that scheme or otherwise;

“voluntary contributions scheme” means any occupational pension scheme if and to the extent that it is a scheme under which such additional benefits as are mentioned in subsection (1) above are, or are to be, provided;

and, where a person’s voluntary contributions are made by deduction from salary, any reference to payment of, or by way of, voluntary contributions shall be taken to include

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a reference to the making of voluntary contributions by deduction or, as the case may require, to any voluntary contributions so made.

(10) Without prejudice to subsections (3)(c) and (d) and (4A) above, there may be paid out of money provided by Parliament—

- (a) any sums required for or in connection with the operation or administration of any prescribed voluntary contributions scheme; or
- (b) any administrative expenses incurred under or by virtue of this section by a Minister of the Crown or government department.

(11) Any sums received under this section may be paid into the Consolidated Fund.]]

Textual Amendments

- F9** S. 33A inserted (6.3.1995) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 82(1); S.I. 1995/641, art. 2
- F10** Word in s. 33A(1) inserted (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(2); S.I. 1995/631, art. 2
- F11** Words in s. 33A(1) substituted (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(2); S.I. 1995/631, art. 2
- F12** S. 33A(1A)(1B) inserted (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(3); S.I. 1995/631, art. 2
- F13** Words in s. 33A(2)(b) inserted (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(4); S.I. 1995/631, art. 2
- F14** Words in s. 33A(2) added (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(5); S.I. 1995/631, art. 2
- F15** Word in s. 33A(3)(a) repealed (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(6)(a), Sch. 9; S.I. 1995/631, art. 2
- F16** Words in s. 33A(3)(b) substituted (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(6)(b); S.I. 1995/631, art. 2
- F17** S. 33A(3)(c)-(k) added (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(7); S.I. 1995/631, art. 2
- F18** S. 33A(4) repealed (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(8), Sch. 9; S.I. 1995/631, art. 2
- F19** S. 33A(4A) inserted (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(8); S.I. 1995/631, art. 2
- F20** S. 33A(5A) inserted (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(9); S.I. 1995/631, art. 2
- F21** S. 33A(9)-(11) added (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 3(10); S.I. 1995/631, art. 2
- F22** Words in s. 33A(9) substituted (7.2.1994) by 1993 c. 48, s. 190, Sch. 8 para. 13(a) (with s. 164); S.I. 1994/86, art. 2
- F23** Words in s. 33A(9) substituted (7.2.1994) by 1993 c. 48, s. 190, Sch. 8 para. 13(b) (with s. 164); S.I. 1994/86, art. 2
- F24** Words in s. 33A(9) substituted (N.I.) (7.2.1994) by 1993 c. 49, s. 184, Sch. 7 para. 17(a); S.R. 1994/17, art. 2.
- F25** Words in s. 33A(9) substituted (7.2.1994) by 1993 c. 48, s. 190, Sch. 8 para. 13(c) (with s. 164); S.I. 1994/86, art. 2
- F26** Words in s. 33A(9) substituted (N.I.) (7.2.1994) by 1993 c. 49, s. 184, Sch. 7 para. 17(b); S.R. 1994/17, art. 2.
- F27** Words in s. 33A(9) substituted (7.2.1994) by 1993 c. 48, s. 190, Sch. 8 para. 13(d) (with s. 164); S.I. 1994/86, art. 2

Modifications etc. (not altering text)

- C2** S. 33A(2) amended (1.7.1994) by S.I. 1994/1696, reg. 68, Sch. 8 para. 7(2)

Marginal Citations

- M2** 1988 c. 1 (63:1).
- M3** 1982 c. 50 (67).

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34 County court registrars and assistant registrars.

(1) For the purposes of this Act the annual salary of a county court registrar or assistant registrar who is also a district registrar of the High Court shall be deemed to include any salary payable in respect of his services as district registrar.

[^{F28}(2) Nothing in this Act shall apply to a part-time registrar or part-time assistant registrar within the meaning of subsection (3) of [^{F29}section 10 of the County Courts Act 1984] (restrictions on practice).]

Textual Amendments

F28 S. 34(2) substituted (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5 para. 2](#)

F29 Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), [Sch. 2](#)

35 Saving for certain Circuit judges in the City of London.

The provisions of this Act relating to Circuit judges have effect subject to paragraphs 5, 6 and 7 of Schedule 2 to the ^{M4}Courts Act 1971.

Marginal Citations

M4 1971 c. 23.

36 Transitory provisions, amendments and repeals.

(1) Schedules 2 and 3 to this Act (transitory provisions and consequential amendments) shall have effect.

(2) The enactments and instruments specified in Schedule 4 to this Act shall be repealed to the extent specified in the third column of that Schedule.

Modifications etc. (not altering text)

C3 The text of s. 36(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

37 Short title and commencement.

(1) This Act may be cited as the Judicial Pensions Act 1981.

(2) This Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

Status:

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Changes to legislation:

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